



Reply to
Attn of: SO-125

November 8, 1989

Mr. Scott Howard, Esq.
Schwab, Hilton & Howard
Attorneys at Law
1200 Oregon National Bldg.
610 S.W. Alder St.
Portland, Oregon 97205

503 226-2926

Re: **EPA v. Pacific Wood Treating Corp.**

Dear Mr. Howard:

I am very sorry that I've not had a chance to intelligently return your calls. I've been moved between floors and my files have been jumbled. I did take the time today to search through and find the subject file, and some of the files relating to the preceding case.

I'm now off for vacation and will be gone until December 6th next. I realize that you and your client want to have a settlement conference and that you contend that EPA issued the complaint here when it should not have done so.

If you want a settlement conference, any business day will be alright with me from December 9th until Christmas. Drop me a line in care of Marcia Bailey stating what your pleasure is and I will accomodate you.

In the interim, I suggest that you talk to Mr. Maer who represented Pacific Wood Treating the last time, because his recollection of what the consent order was expected to settle may differ from what your Answer states. Also, note 40 CFR section 265.145 and the equations stated therein. Unless your client had some sort of stipulated schedule for the trust fund, it would appear that applying the regulation would have required immediate and full funding because the landfill, as I understand it, was physically out of operation.

Incidentally, to make sure that there is no misunderstanding this time, EPA is not in this cause trying to collect the \$15K penalties adjudged by the previous order. That would be done **only** through a judicial proceeding.

Sincerely,

John A. Hamill

cc: Marcia Bailey



Marcia

Hold these
or look thru
them til I get
back. John

(over)